

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/032,717 Confirmation No.: 5409
Applicant(s): Abad *et al.*
Filed: October 23, 2001
Art Unit: 1638
Examiner: Kubelik, Anne R.
Title: GENES ENCODING NOVEL BACILLUS THURINGIENSIS PROTEINS
WITH PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

Docket No.: 035718/237005
Customer No.: 29122

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REQUEST FOR ORAL HEARING
37 CFR § 41.47

Pursuant to 37 CFR § 41.47, Appellants hereby request an oral hearing. This request is timely filed within two months after the Examiner's Answer, dated March 6, 2007.

It is not believed that any fees are owed pursuant to 37 CFR §§ 41.20(b)(3) and 41.47(b) as the fee was paid via our Deposit Account with a Request for Oral Hearing on February 23, 2006. A copy of that Request and the authorization for the payment of the fee is submitted herewith. Additionally, a copy of the U.S. Patent and Trademark Office Deposit Account Statement for Alston & Bird is submitted showing that the \$1000.00 for this application (Serial No: 10/032717) was posted to our account on February 27, 2006. After the filing of the request and Reply Brief, Examiner Kubelik reopened prosecution.

In re: Abad *et al.*

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Filing Date: October 23, 2001
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In the event that any fee is owed, any additional fee or refund may be charged to our
Deposit Account No. 16-0605.

Respectfully submitted,



W. Murray Spruill
Registration No. 32,943

CUSTOMER NO. 29122
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

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Deposit Account Statement

Requested Statement Month:	February 2006
Deposit Account Number:	160605
Name:	ALSTON & BIRD LLP
Attention:	BANK OF AMERICA
Address:	101 SOUTH TRYON STREET
City:	CHARLOTTE
State:	NC
Zip:	28280-4000
Country:	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	48	09698077	08250.0045-0	1401	\$500.00	\$32,037.00
02/01	88	11342041	018360/291041	1011	\$300.00	\$31,737.00
02/01	90	11342041	018360/291041	1111	\$500.00	\$31,237.00
02/01	91	11342041	018360/291041	1311	\$200.00	\$31,037.00
02/01	89	11342041	018360/291041	1081	\$250.00	\$30,787.00
02/01	92	11342041	018360/291041	1201	\$200.00	\$30,587.00
02/01	93	11342041	018360/291041	1202	\$400.00	\$30,187.00
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02/01	32	10411878	040472.251289	1252	\$450.00	\$28,947.00
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02/01	88	RE38910	31850/257622	8013	\$25.00	\$28,802.00
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02/02	252	11242374		8021	\$40.00	\$26,052.00
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02/02	12	11330471	035051/305146	1202	-\$100.00	\$26,112.00
02/02	757	11220468		8021	\$40.00	\$26,072.00
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02/03	4	10523474	049202/286618	8021	\$40.00	\$25,117.00
02/03	83	11344658	42933/305705	1011	\$300.00	\$24,817.00

Deposit Account Statement

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02/23 141 10319394	4719257413	2251	\$60.00	\$19,406.00
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02/24 17 11354468	048792/308086	8021	\$40.00	\$19,286.00
02/24 19 11354475	048792/306414	8021	\$40.00	\$19,246.00
02/24 30 60751368	050351/305120	8021	\$40.00	\$19,206.00
02/24 108 11204954	046143/293244	8021	\$40.00	\$19,166.00
02/24 744 60616668	007157/283249	8021	\$40.00	\$19,126.00
02/24 1 10819544	035576/277142	1201	\$400.00	\$18,726.00
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02/24 68 10379411	030627/258978	1251	\$120.00	\$17,816.00
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02/24 69 10379411	030627/258978	1201	\$400.00	\$17,216.00
02/24 73 10734019	035576/270591	2252	\$225.00	\$16,991.00
02/24 940 10533982	033339/292131	8021	\$40.00	\$16,951.00
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02/24 169 11284990	042933/302865	1051	\$130.00	\$14,911.00
02/24 484 PCT/US06/05722 23895/308162		1601	\$300.00	\$14,611.00
02/24 488 PCT/US06/05722 23895/308162		8007	\$20.00	\$14,591.00
02/24 487 PCT/US06/05722 23895/308162		1703	\$48.00	\$14,543.00
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02/24 485 PCT/US06/05722 23895/308162		1704	\$1,871.00	\$11,586.00
02/24 39 PAYMENT		9203	-\$40,000.00	\$51,586.00
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02/27 516 10502426	040990/281003	8021	\$40.00	\$51,411.00
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02/27 51 09593973	21401-1390	1251	\$120.00	\$51,251.00
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02/28 3 78491773	459193-122	6402	\$300.00	\$47,361.00
02/28 57 11289782	040394/304131	8021	\$40.00	\$47,321.00
02/28 58 11289782	040394/304131	8021	\$40.00	\$47,281.00
02/28 60 11289782	040394/304131	8021	\$40.00	\$47,241.00
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02/28 13 11079419	035576/290058	2252	\$225.00	\$46,056.00
02/28 232 0166160053	049934/299196	8014	\$25.00	\$46,031.00
02/28 234 0166160056	049934/299196	8014	\$25.00	\$46,006.00
02/28 235 0166160019	049934/299196	8014	\$25.00	\$45,981.00
02/28 233 0166160119	049934/299196	8014	\$25.00	\$45,956.00

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APPELLANT'S REQUEST FOR ORAL HEARING
37 CFR § 41.47

Pursuant to 37 CFR § 41.47, the Appellant hereby requests an oral hearing. This request is timely filed within two months after the Examiner's Answer, dated December 23, 2005.

Pursuant to 37 CFR §§ 41.20(b)(3) and 41.47(b), **please charge our Deposit Account No. 16-0605 in the amount of \$1,000.00 for a large entity as payment of the fee** for filing a request for an oral hearing before the Board of Patent Appeals and Interferences. Any additional fee or refund may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,



W. Murray Spruill
Registration No. 32,943

CUSTOMER NO. 29122
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office, at Fax No. (571) 273-8300 on the date shown below.

Polly P. Burton
Polly P. Burton

2/23/06
Date